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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,138	06/26/2003	Ronald Vern Schauer	008550 USA/CPS/IBSS	6730
7590 11/07/2005				
APPLIED MATERIALS, INC. Patent Department, M/S 2061 P.O. Box 450A Santa Clara, CA 95052			EXAMINER LUONG, SHIAN TINH NHAN	
			ART UNIT 3728	PAPER NUMBER

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,138

Applicant(s)

SCHAUER, RONALD VERN

Examiner

Shian T. Luong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment to the claims filed on 9/21/05 does not comply with the requirements of 37 CFR 1.121(c) because the claims lack status identifiers except claims 9 and 16. However, the examiner will examine the amendment and applicant has to correct the defects if applicant wishes to file an amendment after this final rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,3,6,8 are finally rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Barth et al. (US 3,487,921). A transportation package that has a plurality of differently shaped chamber components, the package comprising (a) a first tray 12 having a first ledge having a first rim; and a plurality of first troughs (34,32,36,38) extending outwardly from the first ledge. (b) a second tray 14 that is detachable from the first tray, the second tray having a second ledge having a second rim that couples with the first rim of the first ledge to form a seal therebetween; and a plurality of second troughs (34,32,36,38) extending outwardly from the second ledge. A plurality of conformal cells having different internal surface profiles are formed by facing pairs of first and second troughs, the internal surface profile of each conformal cell matching an external surface profile of a chamber component so that movement of the chamber component in its conformal cell is minimized

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during transportation. At least a portion of the first or second tray is substantially transparent (column 3, lines 39-40) so that a state of each chamber component may be observed through the substantially transparent portion. The facing first and second troughs have substantially the same internal surface profile and are juxtaposed in mirror relationship to each other.

With respect to claim 3, the sidewall of the tray having a height greater than the depth of the cells.

With respect to claim 6, the area between chamber 34 and 36 is a trough wall that is shaped to exert a force to hold the component in a contact point.

With respect to claim 8, the latch and tab 40 are formed on the package.

It appears that the exterior package is made of rigid material. In the event that it is not made out of rigid material, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the package out of rigid material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Applicant argues that Barth et al. does not teach a clean room transportation package for a process chamber kit with a plurality of different shaped chamber components and with an internal surface profile matching the external surface profile of a particular chamber component. But applicant did not claim the individual chamber component in combination with the package. The claim only requires a package that is capable of storing a kit with different components. Hence, Barth et al. has different shaped internal surface capable of accommodating either one component with different shaped area or a plurality of components.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al. in view of Everson (US 5,454,478). Although Barth et al. does not disclose handle portions, Everson teaches that the use of handles 26, 132 on the box and the lid, respectively, are well known in the art. Therefore, it would have been obvious in view of Everson to provide handle portions to facilitate handling of the box and the lid.

Applicant argues that Everson does not disclose a handle cut-out because it has separate handle structure. But merely having an additional handle structure in the recess or cut-out does not prevent the recess or cutout to be a handle.

6. Claim 5 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 4, further in view of Keip et al. (US 5,816,425). Barth et al. does not show removable panels that can be coupled together. Keip, et al., for example, shows a shipping container with interlocking side panels. The removable panels allow reuse of the package. Therefore, it would have been obvious to make the side panels of Barth et al. removable to facilitate removal of the package and to allow reuse of the package.

7. Claim 7 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al. in view of Hamilton et al. (US 4,674,650). Barth et al. does not disclose a gasket seal with a groove. But Hamilton et al. teaches, for example, a gasket 50 within a groove to seal the

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container. It would have been obvious to one of ordinary skill in the art to seal the container by groove and gasket to prevent tarnishing of the article.

8. Claims 9-11 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al. in view of Official Notice. Although Barth et al. does not disclose whether the tray is colored, Official Notice is taken of the conventional coloring of a container to distinguish the container from other similar containers or for aesthetic purpose. Hence, it would have been obvious to provide color on the container from a required list or color chart.

Applicant argues that a colored container is not the same as a container with a color selected from a color table. However, applicant is not claiming the color table, and as long as the tray is colored, it meets the claim. Moreover, coloring a container or tray with a particular color to match a color chart is well known in the art for identification purposes.

9. Claim 12-13, 15 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Barth et al. in view of Hamilton et al. (US 4,674,650). Barth et al. does not disclose a gasket seal with a groove. But Hamilton et al. teaches, for example, a gasket 50 within a groove to seal the container. It would have been obvious to one of ordinary skill in the art to seal the container by groove and gasket to prevent tarnishing of the article.

It appears that the exterior package is made of rigid material. In the event that it is not made out of rigid material, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the package out of rigid material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

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10. Claim 14 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Everson (US 5,454,478).

Although Barth et al. does not disclose handle portions, Everson teaches that the use of handles 26,132 in the box and the lid, respectively, are well known in the art. Therefore, it would have been obvious in view of Everson to provide handle portions to facilitate handling of the box and the lid.

11. Claim 16 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 12, further in view of Official Notice. Although Barth et al. does not disclose whether the tray is colored, Official Notice is taken of the conventional coloring of a container to distinguish the container from other similar containers or for aesthetic purpose. Hence, it would have been obvious to provide color on the container from a required list or color chart.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

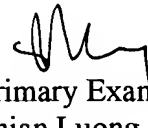
Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370.

For applicant's convenience, the official FAX number is **571-273-8300**. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST.

STL
November 3, 2005


Primary Examiner
Shian Luong
Art Unit 3728